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SUBJECT: Europe's AgBiotech Nemesis on a Roll: Austria Follows
Up EU Council Vote to Uphold Cultivation Bans on Biotech Corn

Sensitive But Unclassified - Entire Cable.

11. SUMMARY: The Austrian government sees itself "on a roll" in its long-standing campaign against agricultural biotech following the EU Environment Council's March 2 decision allowing Austria (and Hungary) to maintain national bans on cultivation of two EU-approved genetically-modified corn varieties. Agriculture/ Environment Minister Niki Berlakovich called the vote an "acknowledgement" of Member State "sovereignty" to prohibit biotech cultivation. The GoA will follow up by providing "scientific arguments" to the European Food Safety Authority (EFSA) backing up its safety concerns, and the GoA will continue to demand the "right of self-determination" for European regions to either ban biotech cultivation or ensure "coexistence" (which would have the same result in many areas). Domestically, Austria will expand its "Polluter Pays" liability regime on cross-pollination as a further deterrent to cultivation. Post continues to work behind the scenes with moderate voices. END SUMMARY.

Biotech Ban Victory "Like Winning the Soccer Championship"

12. Before the March 2 vote, MinAgEnvir Berlakovich and GoA Health Minister Alois Stoeger had written letters and "worked the phones" with other member states to lay out Austria's case against biotech corn (alleging insufficient risk assessments and that "sensitive ecological regions" weren't taken into account). Austria actively lobbied other Member States. The strong qualified majority in favor of the two bans (in the case of MON810, the ban drew support from 22 of 27 countries/282 of 345 votes) seemed to surprise even Berlakovich, who called the result "a historic success for Austria, as if we had become European soccer champion" (COMMENT: truly a Cinderella story). Berlakovich publicly praised the EU: "we can trust in a unified Europe ... Europe is able to act when it counts." Asked about potential U.S. trade sanctions, he replied that the USG "must respect that Austria and its population want to remain biotech-free" and echoed German MinEnvir Sigmar Gabriel as saying that "the EU Council is not the extension of the U.S. seed mafia."

13. On March 6, Berlakovich briefed the Austrian parliament's agriculture committee. In a rare spectacle, all five political factions (including the three opposition parties) congratulated the conservative minister for his "achievement" in upholding the cultivation ban. The committee then unanimously agreed on a motion (adopted in the parliamentary session on March 11) that set forth further the steps the GoA should take to "retain the Austrian cultivation ban for agricultural biotechnology", as the headline reads. The parliament asks the GoA:
-- to vote against approvals of genetically modified organisms and to defend the cultivation bans vehemently, backing this

position up through "scientific arguments";
- to "exhaust all judicial remedies against forced cultivation of biotech crops, including lodging a complaint before the European Court of Justice", if needed;
-- put pressure on the European Food Safety Agency to take into account the "precautionary principle" when it decides on the approval of new biotech varieties, and to "equally recognize" Member State findings;
-- to promote independent "risk research" in the area of agricultural biotechnology to protect biotech-free farming;
-- and to speak up at the EU level for recognition of the "right of self-determination" of European regions that choose biotech-free agriculture and food production.

Austrian Study: Does Biotech Corn Reduce Fertility In Mice?

14. In recent years, the GoA has regularly sent Austrian university institute studies to EFSA as evidence that current risk assessments are lacking and to defend its application of the "precautionary principle." In a recent workshop, the Austrian Agency for Health and Consumer Safety's head for Consumer Protection, Ulrich Herzog, said the GoA wants to promote scientific results which substantiate its concerns about the long-term effects of agricultural biotechnology.

15. The latest GoA effort (November 2008) is a feeding study by the Veterinary Institute of Vienna on the effects of the stacked biotech corn variety NK603 x MON810 on long-term mouse health and reproduction. The study concluded: mice fed with biotech corn had significantly less offspring in the third and fourth generation, whereas reproduction of conventionally fed

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mice was "more efficient." The Chairman of the European Plant Science Organization and other scientists, however, called the study "unqualified" and an "example of hasty interpretation of a feeding experiment." The study's authors also pointed out that the results needed support from follow-up studies. The European Commission has apparently requested that EFSA study the issue further.

"Co-Existence": A Tool To Block Biotech Cultivation

16. Another area on the forefront of Austria's anti-biotech campaign is the call for "co-existence." Since its EU Presidency in 2006, Austria has pushed the Commission to issue binding co-existence rules between biotech and non-biotech farms and fields. The concern of the GoA is that conventional (particularly organic) crops could be "polluted" through biotech pollen flow. The GoA MinAg alleges that no Austrian would buy organic food in which biotech traces are detected. The hope of the GoA behind the idea is that regions with small-scale farming -- and all of Austria -- could be declared "biotech-free" meaning a cultivation ban through the back door. In the meantime, all Austrian state governments have declared their territories "biotech-free" and, in coordination with a 2004 federal law, introduced strong liability legislation that would effectively deter any potential "biotech" farmer with or without cultivation bans. The GoA has also drafted a new environmental liability law -- to be adopted this spring by the federal parliament -- which would establish the "polluter-pays-principle" for biotech farmers whose pollen mingles with conventional crops.

Media Landscape: Loud Critics Drown Out Few Balanced Voices

17. Like virtually the entire political spectrum, Austria's highest-circulation newspaper "Kronen-Zeitung" supports the government's anti-GMO campaign. A unique political and social force, the tabloid Kronen-Zeitung has run intermittent editorial campaigns against GM food for the past decade and printed a large ad in support of an anti-biotech demonstration

two days before the EU vote (which however attracted only around 300-400 people). "Balanced" voices are few in Austria given the opprobrium facing GM supporters -- though some recent reporting has painted agricultural biotech as an emotional issue in Austria rather than an objective one, a small sign of progress.

¶8. Post continues behind-the-scenes outreach in Austria to highlight biotechnology success stories in the areas of food, feed, fuel and pharmaceuticals. Post will report septel on an FAS outreach visit by two expert farmers from Iowa (March 2-4), who were greeted with polite and genuine interest despite the visit starting (coincidentally) on the very day the GoA was marshalling votes in Brussels against biotech cultivation. In a trade outreach DVC between Austria's top foreign trade official (Josef Mayer) and USEU representatives Peter Chase and Daniel Mullaney, Mayer hinted that Austria's hard-line position on biotech is driven more by media campaigns and consumer antipathy rather than by a solid edifice of scientific results.

COMMENT: A Wall of Resistance

¶9. The march of science and increasing adoption by farmers elsewhere have done almost nothing to soften Austria's anti-biotech front since the issue emerged in the mid-1990s. Like Austria's anti-nuclear policy, it enjoys very broad public support: over 1.2 million Austrians (out of 5.2 million adults) signed a petition against biotechnology in food in ¶1997. Ten years later, the majority of Austrians opposes biotech food when asked by pollsters, but most probably pay very little attention to the issue: for instance, Austria has always imported GM soybeans for animal feed, something that has not become a major public issue.

¶10. The new GoA has had a rocky start in the EU since December -- with charges of amateurism in some quarters -- leading it to trumpet its "victory" against the Commission over biotech corn. The GoA is now trying to build on any momentum from its March 2 vote: In meetings four days later with Commission President Barroso, Chancellor Faymann raised the issue, with media speculating that the GoA may not support Barroso's reelection unless the Commission backs off on the issue of

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cultivation bans. The GoA's main focus will remain on "detering" cultivation through strict liability laws and persuading the Commission or other EU member states to allow "biotech-free" European regions or at least "co-existence" rules that effectively exclude biotech grains in regions with small-scale agriculture. To date Austria has not submitted convincing scientific studies substantiating health and environmental risks (EFSA has not recognized the Austrian national studies).

¶11. Despite the broad front against GM food, we see growing interest in Austria on green biotechnology research, and some experts acknowledge that biotech has real benefits as well as (theoretical) risks. A few media outlets are now slightly more balanced and report this as an international trade issue, not just a domestic ideological choice for Austria. Post will continue the dialogue with these moderate voices.

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